

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION**

**FENNER INVESTMENTS, LTD.,**

**PLAINTIFF,**

**V.**

**3COM CORPORATION ET AL.,**

**DEFENDANTS.**

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**CIVIL ACTION NO. 6:08-CV-00061**

**JOINT MOTION TO DISMISS**

Plaintiff Fenner Investments, Ltd. (“Fenner”) and 3COM Corporation (“3COM”) have agreed to settle all claims for relief asserted by Fenner against 3COM in the above entitled action. Therefore, in accordance with Federal Rule of Civil Procedure 41, Fenner and 3COM respectfully move the Court to dismiss all claims for relief asserted by the parties or which could have been asserted by the parties with prejudice and in support thereof would show the Court as follows:

Fenner and 3COM executed a Settlement Agreement, which became effective on or before January 27, 2009, and all matters in controversy between Fenner and 3COM have been settled and comprised.

WHEREFORE, PREMISES CONSIDERED, Fenner and 3COM request that, in accordance with the terms of the Settlement Agreement, all claims for relief asserted by the parties or which could have been asserted by the parties are dismissed with prejudice and each party shall bear its own attorneys’ fees and costs in connection with this action.

Respectfully submitted this 11<sup>th</sup> day of March, 2009,

/s/ Brett C. Govett

Robert M. Chiaviello, Jr.  
Texas Bar No. 04190720

**Lead Attorney**

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COUNSEL FOR 3COM Corporation

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing was served in compliance with the Federal Rules of Civil Procedure to all counsel of record on the 11<sup>th</sup> day of March, 2009.

/s/ Brett C. Govett

Brett C. Govett